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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,629	01/22/2002	Roland Meier	10063-0007	3611
20583	7590	09/22/2004	EXAMINER	
JONES DAY 222 EAST 41ST ST NEW YORK, NY 10017			ANYASO, UCHENDU O	
			ART UNIT	PAPER NUMBER
			2675	8
DATE MAILED: 09/22/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/053,629	MEIER ET AL.
	Examiner Uchendu O Anyaso	Art Unit 2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 22 January 2002.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 22-60 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 22-60 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 4.	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

1. **Claims 22-60** are pending in this action.

### *Claim Objections*

2. **Claims 36, 38 and 40** are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 36 and 38 depend on canceled claim 17, and claim 40 depends on canceled claim 20. Applicant is advised to correct the dependencies of these claims. These claims were rejected in the Office with the assumption that they depend independent claim 22.

### *Claim Rejections - 35 USC ' 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 22, 27-41 and 46-60** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Alessi et al* (U.S. 4,979,032) in view of *Giorgianni et al* (U.S. 5,473,345).

Regarding **independent claims 22, 39 and 41**, and for **claims 28, 40, 47, 49, 50 and 60**, Alessi teaches a process for modeling photographic images produced by light modulators by teaching a an invention that relates to a color image reproduction system (column 1, lines 20-

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21; column 3, lines 49-51) wherein an operator edits electronically the color and composition of an original photographic image to produce an aesthetically modified image using a image scanner 12 serves for scanning an original image on a photographic input film 14 and for producing red (R), green (G) and blue (B) image-bearing signals in digital form (column 3, lines 52-58, figure 1 at 12, 14) such that a charge coupled device (CCD) linear image sensor 72 is arranged to receive a line of light modulated in accordance with the film image in order to produce R, G and B image-bearing signals (column 6, lines 57-66).

Furthermore, Alessi teaches a method of calculating the light modulation values by modeling the response of the image reproducing system model to the input image control data by teaching the functional relationship between an RGB color space for a given film and the database color space wherein a scanner functions for reading R, G, and B density values from color test strips for a particular film; spectrophotometric methods, known in the photographic art, serve to provide data needed to calculate the transformation into database color space (column 5, lines 17-25).

However, Alessi does not teach a method of calculating light modulation values that describe color values of the image. On the other hand, Giorgianni teaches this concept by teaching a method and means for generating a data-set from which the mathematical transformations to convert R,G,B image-bearing signals to trichromatic density values wherein test images may be created by known light sources and calculating trichromatic exposure values using methods known in the photographic art such that each film receives equivalent exposures, appropriate for its red, green, and blue speeds and film color patches are read by

transmission scanner which produces R,G,B image-bearing signals corresponding each color patch (column 6, lines 59 through column 7, lines 21).

Thus, it would have been obvious to person of ordinary skill in the art to combine Alessi and Giorgianni because while Alessi teaches a color image reproduction system (column 1, lines 20-21; column 3, lines 49-51) wherein an operator edits electronically the color and composition of an original photographic image to produce an aesthetically modified image using a image scanner 12, Giorgianni teaches a method of calculating light modulation values that describe color values of the image by teaching a method and means for generating a data-set from which the mathematical transformations to convert R,G,B image-bearing signals to trichromatic density values wherein test images may are created by known light sources and calculating trichromatic exposure values using methods known in the photographic art such that each film receives equivalent exposures, appropriate for its red, green, and blue speeds and film color patches are read by transmission scanner which produces R,G,B image-bearing signals corresponding each color patch (column 6, lines 59 through column 7, lines 21). The motivation for combining these inventions would have been to provide an improved color imaging system (column 3, lines 55-57).

Regarding **claims 27, 29, 46 and 48**, in further discussion of claims 22 and 41, Alessi teaches a method of calculating the light modulation values by modeling the response of the image reproducing system model to the input image control data by teaching the functional relationship between an RGB color space for a given film and the database color space wherein a scanner functions for reading R, G, and B density values from color test strips for a particular

film; spectrophotometric methods, known in the photographic art, serve to provide data needed to calculate the transformation into database color space (column 5, lines 17-25).

Regarding claims 30 and 51, in further discussion of claims 22 and 41, Alessi teaches how one or more processing devices, denoted by a microprocessor 86, perform, under program control, both logic operations to retrieve data values from the correct addresses of the LUT selected and arithmetic operations for linear interpolation on the values retrieved (column 8, lines 25-32, figure 3 at 86).

Regarding claims 31 and 52, in further discussion of claims 30, 51, Alessi teaches how FIG. 2A diagrammatically illustrates that the control apparatus 20 causes the workstation 16 to load its memory with database color space data corresponding to the version of the reproduced image 38 that is preferred (see figure 3 at 88; column 8, lines 62 through column 9, lines 1-15, figure 2A at 16, 20).

Furthermore, Alessi teaches peripheral storage 88 (see figure 3 at 88).

Regarding claims 32-38 and 53-59, in further discussion of claims 22 and 41, Alessi teaches a scanner 70, control device via workstation 86 within a photolab (column 4, lines 1-12).

5. **Claims 23-26 and 42-45** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Alessi et al* (U.S. 4,979,032) in view of *Giorgianni et al* (U.S. 5,473,345), as in claim 22 above, and further in view of *Bestmann* (U.S. 5,481,380).

Regarding **claims 23, 24, 26, 42, 43 and 45**, in further discussion of claims 22 and 41, Alessi teaches a process for modeling photographic images produced by light modulators by teaching a an invention that relates to a color image reproduction system 10 (column 1, lines 20-21; column 3, lines 49-51) wherein an operator edits electronically the color and composition of an original photographic image to produce an aesthetically modified image using an image scanner 12 that serves for scanning an original image on a photographic input film 14 and for producing red (R), green (G) and blue (B) image-bearing signals in digital form (column 3, lines 52-58, figure 1 at 12, 14) such that a charge coupled device (CCD) linear image sensor 72 is arranged to receive a line of light modulated in accordance with the film image in order to produce R, G and B image-bearing signals (column 6, lines 57-66).

However, Alessi and Giorgianni do not teach how light modulation values describe the modulation strength of the light modulators in the image regions. On the other hand, Bestmann teaches this concept by teaching an invention that relates to a method of calibration of color values in color conversion for image processing wherein light sources 15, 16 illuminates a color original 17 point-by-point and line-by-line such that the scan light modulated with the image content of the scanned color original 17 is resolved into three sub-beams of different spectral compositions (column 4, lines 42-57, figure 3 at 15-17). Also, Bestmann teaches how a spectral photometer 34 would be employed to relate the color values by analyzed based on the spectral compositions (column 9, lines 19-25, figure 5 at 34).

Thus, it would have been obvious to a person of ordinary skill in the art to combine Alessi, Giorgianni and Bestmann because while the combination of Alessi and Giorgianni teach a method of calculating light modulation values that describe color values of the image, Bestmann teaches how light modulation values would describe the modulation strength of the light modulators in the image regions by means of a spectral photometer 34 and light sources 15, 16 that illuminates a color original 17 point-by-point and line-by-line such that the scan light modulated with the image content of the scanned color original 17 is resolved into three sub-beams of different spectral compositions (column 4, lines 42-57, figure 3 at 15-17). The motivation for combining these inventions would have been to develop an improved method of calibrating color values in a color conversion apparatus (column 1, lines 5-11).

Regarding **claims 25 and 44**, in further discussion of claims 22 and 41, Alessi teaches a process for modeling photographic images produced by light modulators by teaching a invention that relates to a color image reproduction system 10 (column 1, lines 20-21; column 3, lines 49-51) wherein an operator edits electronically the color and composition of an original photographic image to produce an aesthetically modified image using an image scanner 12 that serves for scanning an original image on a photographic input film 14 and for producing red (R), green (G) and blue (B) image-bearing signals in digital form (column 3, lines 52-58, figure 1 at 12, 14) such that a charge coupled device (CCD) linear image sensor 72 is arranged to receive a line of light modulated in accordance with the film image in order to produce R, G and B image-bearing signals (column 6, lines 57-66).

However, Alessi and Giorgianni do not teach the method of adapting the dynamic range of the color densities reproducible in the image control data color space. On the other hand, Bestmann teaches this concept by teaching how the dynamic range of the measured color values can be adapted to the signal resolution wherein the analog measured values are converted into digital measured color values R, G and B (column 4, lines 57-67, figure 3).

Thus, it would have been obvious to a person of ordinary skill in the art to combine Alessi, Giorgianni and Bestmann because while the combination of Alessi and Giorgianni teach a method of calculating light modulation values that describe color values of the image, Bestmann teaches how the dynamic range of the measured color values can be adapted to the signal resolution wherein the analog measured values are converted into digital measured color values R, G and B (column 4, lines 57-67, figure 3). The motivation for combining these inventions would have been to develop an improved method of calibrating color values in a color conversion apparatus (column 1, lines 5-11).

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,867,252 to *Tanibata* for an image printer.

U.S. Patent 4,992,861 to *D'Errico* for a color image reproduction apparatus.

U.S. Patent 5,6363,143 to *Takahashi* for a method and apparatus for estimating color temperature, photographing apparatus, and method and apparatus for determining exposure.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uchendu O. Anyaso whose telephone number is (703) 306-5934. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras, can be reached at (703) 305-9720.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

  
Uchendu O. Anyaso

09/17/2004



**AMR A. AWAD  
PRIMARY EXAMINER**